

Preliminary Decision Memo

2020 Recreation Residence Projects –Crescent Lake

USDA Forest Service
Crescent Ranger District, Deschutes National Forest
Klamath County, Oregon

Background

The Crescent Ranger District maintains 66 recreation residence permits on Odell Lake and 72 on Crescent Lake. Each year, permittees may submit applications for repairs and alterations to their privately-owned structures to ensure safety, accessibility, and compliance with regulations, as well as upgrades as permitted under conditions outlined in the recreation residence special use permit language. Upon acceptance of these project requests, the Forest Service is required to conduct a National Environmental Policy Act of 1969 (NEPA) analysis on any project that may alter the character of a residence or that includes any ground-disturbing activity. This Preliminary Decision Memo covers seven recreation residences and their associated projects¹ on Crescent Lake: CL-3, CL-4, CL-16, CL-17, CL-40, CL-49, and CL-68.

Purpose and Need

There is a need to maintain recreation residence structures and associated improvements in a safe condition that provides for accessibility, ensures compliance with County, State and Federal regulations, and allows for upgrades as permitted under conditions outlined in the recreation residence special use permit language.

Proposed Action

The Forest Service proposes the following actions to meet this purpose and need:

Cabin CL-3: Project 1. *Install a concrete w/steel reinforced stem wall foundation* underneath an existing cabin, part of which may be removed and rebuilt to access the area for the new foundation. Existing cabin is 16' W x 42'5" L. Foundation itself is 6 to 8" W x 24" D x total square footage of the cabin. Foundation is supported on footings where required that measure 16" W x 8" H x 32" D. An addition (to include a stem wall foundation) was reviewed and approved in 2014 that measure 8' W x 12' L which hasn't been completed. The cabin is to be reconstructed to appear the same as before within what was approved under the previous review.

Proposes to use an excavator, power saws and carpentry tools. No removal of vegetation or trees. Ground disturbing.

Cabin CL-4: Project 1: *Replace existing rotten logs on the cabin*, where needed, with Douglas-fir logs that will be close as possible to size and color of newer logs on deck. Logs to be stained to match existing stain as close as possible which is similar to cedar-ton sealer. Use power saw, chain saw, standard hand tools, and painting equipment. Non-Ground Disturbing.

Project 2: *New Window and Paint-* Install a new wood framed (pine) double paned window on the north facing of existing bathroom that measure 12" x 24". Proposes to paint exterior a brown color to match existing windows. Use chain saw (to cut through log siding) and standard hand tools. Non-Ground Disturbing.

¹ Some recreation residences have more than one project.

Project 3: Fire ring- Use existing native rocks to form a 36" diameter fire ring in front of cabin placed on the surface. Rocks are from excavation of prior approved project. Use wheelbarrow to move rock. Minimal ground disturbance.

Project 4: Test pits and install a new drain field - Two test holes would need to be dug and a perk test completed by the county within the area of the new drain field. Test holes are approximately 2' W x 4' L x 5' Deep. Once the testing is completed, the extent of the drain field is provided by Klamath County. The site plans show a tentative route for the new drain field line and the location of the two test holes. A standard trench size for the drain field lines is as follows: 2' W x 24" to 32" D x a length determined by the County which is estimated at approximately 125'. Due to lot restriction, neighboring well, high water mark, the line is proposed to be installed in a single linear route. **Specialists**, please include the area on both sides of the cabin and the immediate area in front of the deck for the analysis. There is not anticipated vegetation removal proposed at this time. Will use mini excavator or backhoe to dig test holes and to dig trench for drain field line. NOTE: The tank replacement for this lot was reviewed and approved in 2018.

Cabin CL-16: Project 1: Septic System including test pits- Remove old existing steel septic tank and replace with new 1000-gallon concrete tank in same location. New tank is 5' H x 9' L x 6' D. The old drain field will be abandoned, and new drain field built. Two perk test- test pits (5' x 5' x 5') would need to be completed per Klamath County within the area of the new drain fields. Once the testing is completed, the extent of the drain field is provided by Klamath County. Proposed drain field pipe is a configuration of three individual 50-foot lines with the required minimum 10' space between each one. 150' of piping, in total, buried to code up to a maximum depth of 24". There will also be a 48' trench dug from the new tank to the new drain field location to connect to each other. Will use a mini excavator to dig hole and trench for drain field. Proposal indicates that vegetation and five trees (approximately 1" to 8" dbh) may need to be removed but will try to minimize as best as possible. Ground Disturbing.

Cabin CL-17: Project 1: Test Pits and a New Drain Field- Two perk test- test pits (5' x 5' x 5') would need to be completed per Klamath County within the area of the new drain fields. Once the testing is completed, the extent of the drain field is provided by Klamath County. Proposes to install new drain field on east and south side of cabin (lakeside) to support newly replaced septic tank. Will abandoned the old drain field. Proposed drain field pipe is a configuration with individual lines separated by the required 10 foot spacing for a 230' total pipe buried to code up to a maximum depth of 24". Up to 10 trees may need to be removed but both permit holder and contractor have a desire to minimize the number and will try to avoid the majority of them. Will use a mini excavator to dig hole and trench for drain field.

Project 2: Construct a new chimney- would use cinder block material and mortar on the east side of the structure where the existing stove pipe is located. The chimney will protect the stove pipe from winter snow damage and improve ascetics. Propose to use similar design as CL18, neighboring cabin that measures approximately 5' W x 2' D x 20' H with spark arrestor. Chimney will sit on a concrete footing that is same dimensions. Proposes to paint cinder blocks the same color as cabin, dark brown to blend in. Will use standard hand tools and minimal ground disturbance required for footing of chimney.

Project 3: Install a new well -using a licensed contractor. Well has a 6" diameter hole that will contain a well casing, and associated equipment for its operation. A trench measuring approximately 12" W x 36" D x 100' is needed to install the water and electrical lines between the well and the structure. Permit holder has staked three locations and all three sites are located on-lot. Will use a well drilling rig for well and mini excavator for trenching. No trees or vegetation to be removed since the trench will go through the driveway and parking area. Ground Disturbance.

Project 4: Repair or Replace snow shutters on door and windows. If repair isn't possible, replace them using a design that would mimic that of existing shutters. Proposes to paint dark brown to blend into structure. Will use standard hand tools. No Ground Disturbance.

Cabin CL-40: Project 1: *Install a new handrail* -using natural looking wood adjacent to existing concrete steps that lead to the lake. It will be attached to 4" x 4" pressure treated wood placed into a 8" diameter hole filled with concrete (goal to have concrete below surface) with a metal bracket sitting at surface used to attach post to. Top handrail is to be 38" H x approximately 17' from top of stairs to the bottom of stairs. Second rail installed below first. No vegetation or trees need to be removed and plans to cover base of post around bracket using natural pumice rocks from lot. Will use power saw, hammer, wheelbarrow, cart to haul supplies.

Cabin CL-49: Project 1: *Replace shake roof* -with metaling roofing material and 3 ½" of insulation sprayed under new roofing material. If needed, replace sheeting under old material if necessary. Color of new roofing material will be a gray tone to match that of storage shed. Will use standard hand tools, power tools, and utilize a large commercial dumpster to haul away materials. Minimal Ground Disturbance to place dumpster, scaffolding or ladder to access the roof.

Project 2: *Replace entry door* -on north side of cabin with a solid wood door (bottom half) with a double pane window on top half of door to mimic that of existing door. Proposes to stain door a natural wood stain and stain or paint the trim a forest green to match exterior. Door is to fit existing opening without enlargement. Will use standard hand tools and power tools to cut trim if necessary. Non-Ground Disturbing.

Project 3: *Replace single pane slider kitchen window* -on west side of cabin with double pane, wood clad, awning style window. New window placed in existing opening without enlargement. Natural finish with cedar colored trim stain on outside finish to mimic trim of other windows. Will use standard hand tools and power tools. Non-Ground Disturbing.

Cabin CL-68: Project 1: *Roof replacement*- Replace guest cabin cedar shake roof with metaling roofing material that is the same color as the metal roof on the primary structure, dark brown. New material placed over 2" x 4" flat spacer boards that allows the application of foam insulation. Would also do some maintenance work on the roof of the primary structure that includes replacing sheet metal screws with larger size screws and potentially replace the flashing around the chimney pipe due to leaking in this area. Will use standard hand tools, power tools, Minimal Ground Disturbing to place ladder/and or scaffolding to access roof.

The projects are located in Klamath County, Oregon, with a legal description of T24S, R6E, Sections 14, 15, 16, and 21, Willamette Meridian (Figure 1).

Reason for Categorical Exclusion and Findings

Decisions may be categorically excluded from documentation in an environmental impact statement or environmental assessment when they are within one of the categories listed in 36 CFR 220.6(e), and there are no extraordinary circumstances related to the decision that may result in a significant individual or cumulative effect on the quality of the human environment.

Category of Exclusion

The appropriate category of exclusion is found in the Forest Service National Environmental Policy Act (NEPA) regulations at 36 CFR 220.6(e)(3). This category is appropriate because the project involves "...approval, modification, or continuation of minor special uses of NFS lands that require less than five contiguous acres of land."

Relationship to Extraordinary Circumstances

In determining the appropriateness of using the categorical exclusion, a determination of the potential impact to the resource conditions identified in FSH 1909.15 Section 30.3(2) must be made. The following is the list of the potential effects to the resource conditions from the project activities.

1. *Federally listed threatened or endangered species or designated critical habitat, species proposed for Federal listing or proposed critical habitat, or Forest Service sensitive species.*

- **Wildlife:** It is anticipated that this project would have “No Effect” to any threatened or endangered species and “No Impact” to any R6 Sensitive wildlife species. A Biological Evaluation (BE) would be completed before issuance of a final Decision Memo to document any potential effects, and any design criteria or mitigation measures will be added to that decision.
- **Plants:** It is anticipated that this project would have “No Effect” to any threatened, endangered, and “No Impact” R6 Sensitive plant species. A Biological Evaluation (BE) would be completed before issuance of a final Decision Memo to document any potential effects, and any design criteria or mitigation measures will be added to that decision.
- **Fisheries:** It is anticipated that this project would have no disturbance or “No Effect” to fisheries as a result of this decision.

2. *Flood plains, wetlands, or municipal watersheds*

Executive Order 11988 provides direction to avoid adverse impacts associated with the occupancy and modification of floodplains. Executive Order 11990 provides direction to avoid adverse impacts associated with destruction or modification of wetlands. The project is consistent with both executive orders.

- This project would have no effect to either floodplains or wetlands.
- There would be no adverse effects to a municipal watershed because the project is not located within or adjacent to a municipal watershed.

3. *Congressionally designated areas, such as wilderness, wilderness study areas, or national recreation areas*

The proposed project is not within a Wild and Scenic River corridor. The closest is the Crescent Creek Wild and Scenic River corridor, which is approximately one quarter mile to the east of the closest recreation residence on Crescent Lake and would not be impacted by the proposed actions. The project area is not located within any Wilderness, Wilderness Study Areas, or National Recreation Areas. The closest Wilderness Area is the Diamond Peak Wilderness, which is approximately ¼ mile away and separated from the Crescent Lake recreation residence tracts by the FS 60 road. The only potential wilderness impact would be from noise associated with project work; however, the noise level would not be more than that associated with normal recreation and railroad activities in the area and limited in duration (for the construction period only).

The Crescent Lake recreation residences are approximately one mile from the edge of the Oregon Cascades National Recreation Area (OCRA). There is no proposed activity in the OCRA.

4. *Inventoried roadless areas or potential wilderness areas*

The project is not located within any Inventoried Roadless Areas (IRA) or potential wilderness areas. The nearest Inventoried Roadless Area is the Maiden Peak IRA, which lies approximately six miles north of the Crescent Lake recreation residences. Due to the distance there would be no impacts to this IRA from these projects. The project is not within a potential wilderness area, nor will it affect any of the criteria for inventorying potential wilderness (ie. – no roads will be built and no timber will be cut).

5. *Research Natural Areas*

There are no existing or proposed Research Natural Areas (RNA) in or adjacent to the project. The nearest Research Natural Area is the Gold Lake Bog RNA, which is approximately 10 miles to the northwest on the Willamette National Forest.

6. *7. American Indian and Alaska Native religious or Cultural Sites, Archaeological Sites, or Historic Properties of Areas*

Consultation for this project would be covered under the 2004 Programmatic Agreement for the State of Oregon and a final determination of compliance with Section 106 of the National Historic Preservation Act, including any required field surveys, would be completed before issuance of a final decision memo.

Based on the conclusions regarding the effects to the resources and conditions listed above, I will determine whether the project will have no extraordinary circumstances that may result in a significant direct, indirect, or cumulative effect on the quality of the human environment.

Consistency with Deschutes Land and Resource Management Plan

This project will be consistent with direction found in the *Deschutes National Forest Land and Resource Management Plan and Record of Decision 1990* (Forest Plan), as amended by the *Record of Decision for Amendments to Forest Service and Bureau of Land Management Planning Documents Within the Range of the Northern Spotted Owl* (Northwest Forest Plan, 1994). Biological Evaluations are being prepared for Sensitive, Threatened, and Endangered animal and plant species and will be located in the project file at the Crescent Ranger District. Also, the project will meet all of the applicable Project Design Criteria from the 2014 Programmatic Biological Assessment for central Oregon.

This project is inside the Northwest Forest Plan boundary and will apply the Survey and Manage species list in the 2001 *Record of Decision and Standards and Guidelines for Amendments to the Survey and Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines*.

Public Involvement

Public scoping and Tribal consultation are being conducted in conjunction with the release of this preliminary Decision Memo.

Implementation

When the Decision Memo is signed, project implementation can begin once final approval is received from the Crescent District Special Uses Administrator. The following project design features will be included to meet project objectives and/or to reduce or minimize unwanted effects:

Cultural

- For any ground disturbance work- if imported fill is utilized it must be from a culturally sterile source (meaning there is no possible contamination from fill originating from another buried archaeological site).
- If, prior to, or during construction work, items of archeological or historical value are reported or discovered, or an unknown deposit of such items is disturbed, the permit holder/contractor would immediately cease activities in the area affected. The Forest Service would be notified and ground disturbing activity would not resume until written authorization is provided.
- Should human remains be encountered, the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3001 et seq. [Nov. 16, 1990] and its regulations (43 CFR §10) would apply.

Botany

- Equipment Cleaning - Actions conducted or authorized by written permit (contracts) require cleaning of all heavy equipment (i.e., bulldozers, skidders, and other construction equipment) prior to entering Forest Service lands. Equipment will be inspected on-site by the Forest Service project manager or the District botanist prior to start of work.
- All gravel, fill, sand stockpiles, quarry sites and borrow materials used for this project will be inspected for invasive plants before such material is transported and used within Forest Service lands. Any infested sources must be treated before use of pit material. Only gravel, fill, sand, and rock that are judged to be weed-free by District or Forest weed specialists will be used for this project (Requirement R6 Standard #7).

Soils/Hydro

- When rain is expected, all exposed soils should be secured (i.e. put soil back in ditch, take soil off steeper slopes, install a sediment catch fence etc.). If a precipitation event is expected to produce overland flow, it is recommended that the project be discontinued until conditions dry out. At the completion of the project soils should be secured, and adequate vegetative cover and drainage structure provided (FAC-2).
- No used building material will be disposed along the shoreline.
- Pressure treated materials is not allowed.
- All refueling and storage of equipment will occur more than 25 feet from water.
- Equipment operators/operations will have a spill kit on site on site of sufficient size to clean up and prevent further contamination.
- Forest Service will be informed of any observed petroleum spills.

Transportation

- For any National Forest system road related activities please contact the Crescent Ranger District's Road Manager/Transportation Planner at (541) 433-3254 at least 10 working days prior to the proposed activities. Issuance of a road use permit may be required.
 - Road related activities may include but are not limited to; Commercial hauling (sale of a good or service regardless of profit on National Forest Service lands), road use outside of authorized access or any road maintenance activities including snow removal.

Best Available Science and Conclusion

My conclusion will include a review of the record of relevant scientific information, a consideration of responsible opposing views, and the acknowledgment of incomplete or unavailable information, scientific uncertainty, and risk.

How to Comment and Timeframe

Your comments about the proposed actions or other concerns are welcome and would be considered in the decision. They would be most helpful if received by August 18, 2020. Comments can be submitted to the address on the header of this letter, or by email to: comments-pacificnorthwest-deschutes-crescent@usda.gov. Written or oral scoping comments should include your name, address, and telephone number (if available). Include the title of the project (2020 Crescent Lake Recreation Residence Projects).

Comments received in response to this solicitation, including names and addresses of those who comment, will be part of the public record for this proposed action. Comments submitted anonymously will be accepted and considered; however, anonymously will not provide the Agency with the ability to

provide the respondent with the subsequent environmental documents.

This letter/notice also serves as an invitation to participate in the Forest's National Historic Preservation Act, Section 106 process for the project.

Administrative and Appeal Rights

The final decision is not subject to appeal or objection. On January 17, 2014, the President signed into law the Consolidated Appropriations Act of 2014 (Pub. L. No. 113-76). Section 431 of that Act directs that the 1992 and 2012 legislation establishing the 36 CFR 215 (post-decisional appeals) and 36 CFR 218 (pre-decisional objections) processes "shall not apply to any project or activity implementing a land and resource management plan ... that is categorically excluded ... under the National Environmental Policy Act [NEPA]." As a result, the Forest Service no longer offers notice, comment, and appeal opportunities pursuant to 36 CFR 215 for categorically excluded projects such as the one covered under this Decision Memo.

Contact Information

For additional information concerning this project, contact Meria Page, Special Uses Administrator at Crescent Ranger District, 136471 Hwy 97 N/ P.O. Box 208, Crescent OR 97733, or by phone at (541) 433-3200.

Responsible Official

The Responsible Official will be the District Ranger, Crescent Ranger District, Deschutes National Forest.

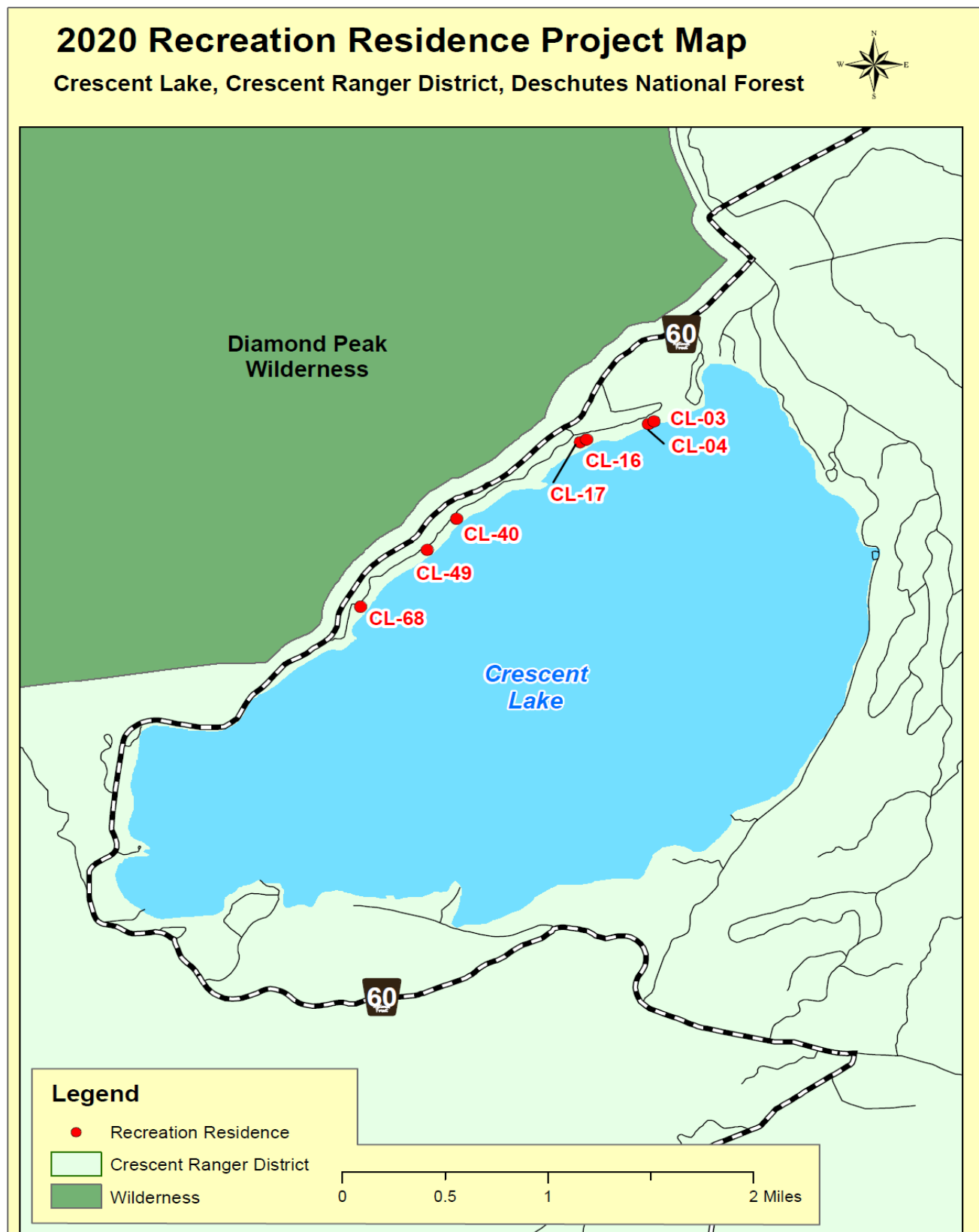


Figure 1 – Crescent Lake 2020 Recreation Residence Locator Map